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Just Like the Good Old Days of Low Blow Joe

At the opening of the hearing to question Dr. Linus Pauling, the vice chairman of the Senate Internal Security Subcommittee, Senator Dodd (*D. Conn*), said it was not interested in the scientific merits of the controversy but only in investigating the possibility that Communists might have been involved in it. But if the movement to end nuclear testing, in which Dr. Pauling has played so leading and praiseworthy a role, is scientifically and morally justified, does it matter whether Communists are also for it? If the movement is wrong, would it be any less so if it could be proven that only politically pasteurized and certified non-Communists had participated in it?

A Less Than Perfect Right

There are major questions of morality, science, politics and military strategy involved in the controversy over nuclear testing. They call for the fullest and most serious debate. How can that debate be carried on if those on one side of the controversy are in danger of being called up and linked in the public mind with disreputable people? To put aside the fundamental questions in the controversy, and focus instead on the political coloration and associations of those in it may be effective but it is not debate. Senator Dodd delivered a long closely argued through fallacious speech in the Senate May 12 against cessation of testing. That was one kind of speech. He followed it on May 25 by quite a different variety, attacking the National Committee for A Sane Nuclear Policy in a speech entitled, "The Communist Infiltration in the Nuclear Test Ban Movement", buttressed by the name of one (1) alleged Communist his subcommittee had discovered in the group which arranged the recent Madison Square Garden meeting. Dodd's second step in the same direction was to serve a subpoena on Dr. Pauling when he finished making an address to the Jane Addams centennial meeting of the Women's International League for Peace and Freedom here June 18. Senator Keating (*R. N.Y.*), echoing Senator Dodd's remarks at the opening of the hearing, told Dr. Pauling, "We are in no way interested in your views. This is not a forum in which to test the merits of the nuclear controversy. You have a perfect right to express those views." It does not require a very long memory to recognize that the right is a little less than perfect in such a context.

Not only the tactics but the cast of characters was familiar. Ten years ago the Senate Internal Security subcommittee under McCarran and a Government Operations subcommittee under McCarthy began to make rational debate on China policy impossible by their respective "investigations" of the Institute for Pacific Relations, Prof. Owen Lattimore and the State Department. We still suffer from this episode in government by slander. On the high bench in the hearing room beside Senator Dodd sat two veteran participants in that episode—the subcommittee's counsel, Jules Sourwine, and its research director, Benjamin Mandel, who graduated from the business managership of *The Daily Worker* via the Lovestone movement to the House Un-American Activities Committee staff and thence to the Senate committee under McCarran.

Despite the "soft sell" manner of the Senators, the scene as it unfolded seemed a replay of what we witnessed a decade earlier. Here was Sourwine asking Dr. Pauling whether on February 22, 1951, he had signed a letter sent out by the Southern California chapter of the Council of the Arts, Sciences and Professions soliciting contributions to publish a pamphlet on the danger of atomic war. And did he know that another signer of that letter had in 1947 "refused under oath" to tell the House Committee whether he was a Communist although it had a membership card No. 46844 made out in the name of this Hollywood personality? In that old well-remembered fashion, there was no effort made to show what this had to do with Dr. Pauling's campaign a decade later against nuclear testing, just as there was no reason given for suddenly asking Dr. Pauling whether he knew Dr. Willard Uphaus whom he vaguely remembered meeting. There was even the solicitous concern for the inexorable deadlines of journalism which Joe used to show. When Dr. Pauling admitted that he had once been a vice president of the World Federation of Scientific Workers and, yes, that he knew the late Frederic Joliot-Curie (whose name Mr. Sourwine pro-

(*Continued on Page Four*)

WILPF Supports Dr. Pauling

"The annual meeting of the Women's International League for Peace and Freedom wishes to express its unqualified support of the position of Dr. Linus Pauling in respect to the cessation of nuclear testing and to commend his willingness to maintain this stand in the face of attempted intimidation by the Senate Internal Security Subcommittee. The WILPF is convinced that the survival of the human race depends upon the courage of those who, like Dr. Pauling, oppose nuclear testing and the continuation of the arms race. The WILPF welcomed the opportunity to hear at its annual meeting the views of an internationally recognized expert in this field and joins with Dr. Pauling in his dissent against the continuance of a suicidal national policy."

—Resolution voted by the Women's International League for Peace and Freedom at its Jane Addams centennial meeting, June 20, after a Senate Internal Security subpoena had been served on Dr. Pauling at the close of a speech before the organization. It also voted a resolution calling for abolition of the House Un-American Activities Committee.

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Kennedy on Germany, Like Ike, Differs Little from Adenauer

Liberals ready to jump on the Kennedy bandwagon had better take a long, hard look at his latest foreign policy speech in the Senate before they leap. What Senator Kennedy said in it of the Eisenhower Administration also applies to himself and all of his fellow Democratic hopefuls except Adlai Stevenson. "We have no fresh ideas," Kennedy said, "with which to break the stalemate in Germany, the stalemate over arms control, the stalemate in Berlin. . . . We have as our grand strategy only the arms race and the cold war."

Demagogic Nonsense About the U-2

Indeed in some respects Kennedy is inferior to the President. While Eisenhower says nuclear war is preposterous, Kennedy is sure that if we only spend enough money, we can achieve nuclear invulnerability and "ultimate missiles." To say as he does that the summit "was doomed to failure because we have failed for the past eight years to build the positions of long term strength essential to successful negotiation" is as hollow an echo of the arms lobby as anything said by the vacuous Symington. To say as Kennedy does that the summit was "doomed to failure long before the U-2 ever fell on Soviet soil . . . because the Soviet Union knew it had more to gain from the increasing deterioration of America's world position than from any concessions which might be made in Paris" is not serious analysis but demagogy.

The essential lack of new ideas in Kenndy's own approach is most striking at the very point where the world situation is most dangerous—Berlin. This is what Kennedy had to say:

"We must plan a long-range solution to the problems of Berlin. We must show no uncertainty over our determination to defend Berlin and meet our commitments—but we must realize that a solution to the problems of that beleaguered city is only possible in the long run, in the context of a solution of the problems of Germany and, indeed, the problems of all Europe. We must look forward to a free Berlin, in a united Germany, in a Europe where tensions and armaments have been reduced—where perhaps the suggestions of General de Gaulle and Premier (sic) Adenauer requiring Soviet withdrawal behind the Urals can be accepted."

This is as devoid of new ideas as the Dulles-Acheson approach, which was to rearm Western Germany and sit tight, waiting for something to turn up, or blow up. The reference to de Gaulle ludicrously distorts what he said in his speech May 31 on the summit conference. De Gaulle envisioned an ultimate European reconciliation including Russia, "a European entente from the Atlantic to the Urals" when Europe "no longer split in two by ambitions and ideologies become out of date, would again be the heart of civilization." This was quite different from (in Kennedy's words) "requiring Soviet withdrawal behind the Urals." *

How Much Is Enough?

"Our task is to rebuild our strength . . . to confine national posture to one of talking louder and louder while carrying a smaller and smaller stick is to trade the long-range needs of the nation and the free world for the short-term appearance of security."

—Kennedy on foreign policy, Senate June 14.

"Senator Kennedy . . . recently cited figures that would mean our arsenal now contains the equivalent of 1,250,000 bombs of the type that levelled Hiroshima. This was confirmed in substance by Thomas E. Murray, former Atomic Energy Commissioner, when he said we now have more than enough weapons to destroy the world."

—Same day's Congressional Record at page A 5022 from atomic series by Wm. Hines in the Washington Star, June 13.

British Compromises Rejected

The hollowness of Kennedy's approach may be seen if it is compared with the British. The British have pressed (1) for some form of disengagement and Central European arms limitation which would allay Russian fears of a resurgent rearmed Germany, and (2) for some new guaranteed international status for Berlin to safeguard the city so long as the Reich remains divided. Adenauer vetoed both ideas in favor of standing pat while the arms buildup continues in the hope of some day forcing a Russian surrender. Eisenhower fell in with Adenauer's views. So does Kennedy.

***The tone of de Gaulle's speech may be judged from his description of the Khrushchov regime: "It was then that in Soviet Russia a new tune was heard. A statesman who had reached the top proclaimed the necessity of peaceful coexistence, declared that the competition between the Communist system and the capitalist system should have as its goal men's standard of living, affirmed that the ambition of his own country was to insure its own development. . . ."**

Kennedy Agreed With Dulles on Berlin But Wanted Bigger Military Buildup

Mr. Howard K. SMITH (CBS News): Senator, what about Mr. Dulles' policies? Are you in disagreement with him? Senator Mansfield made quite a strong attack on his policies last week in the Senate. How do you feel about the German—

Senator KENNEDY: Well, on the—the question of Western Germany, I am not in disagreement with Mr. Dulles. Except in one respect, and that is, and I'm in disagreement with the Administration, and that is, I think that Western Germany is an extremely serious situation. I do think that it's going to reach a climax in May or June. It is possible that the Soviet Union will attempt to prevent our maintaining our supplies by force with Berlin, and that at that time we are going to be faced with an extremely perilous situation.

I would think that it is important that the U. S. made clear that its determination to maintain its communications with Berlin, that while we may be willing to negotiate on the question of missiles and atomic-weapons in the hands of West Germany, and thinning our troops, and all the rest, on the question of our rights to maintain our position in Berlin, I don't think we can negotiate.

Now, when that time comes, if they turn it off, it seems to me we are going to have to make an appeal to the United Nations, but in the final analysis we are going to have to—demonstrate our determination to maintain our position. Otherwise, I think West Germany is gone, and our position in Europe is gone.

For that reason I think not enough attention has been paid to the possibility that there may be a possibility of force inherent in the situation in West Berlin, and I don't think the statement of Mr. Quarles about a month ago in Germany about thinning out our troops unilaterally is helpful, and I would certainly put a good deal more effort into perfecting our military posture in West Germany and throughout Europe in preparation for what is going to be a great climax and possibly a show down.

—Kennedy on Face The Nation, Feb. 22, 1959.

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The Case of the Ex-FBI Man Who Ruled in Favor of A Red

Some years ago when Edward A. Tamm was appointed to sit on the Federal District Court in the District of Columbia, I wrote an article for the newspaper *PM* opposing the appointment on the ground that he was an FBI man, and that this background was poor training for a Judgeship. I still think I was right as a general proposition, but I proved to be wrong in this particular case as Judge Tamm demonstrated unmistakably in January of last year. A man deported in 1956 to his native Bulgaria for having been a Communist from 1933 to 1939 filed suit for his old age pension and other rights under the Social Security Act. His name was Ephraim Nestor, and the case came before Judge Tamm.

His Wife Remained Behind

Nestor had immigrated to this country in 1913. At the time he left the Communist party, it was neither a crime to be a member nor was it grounds for deportation; he was deported under the Internal Security Act of 1950. In 1954, over the objections of the Department of Health, Education and Welfare, Congress amended the Social Security Act to provide that a person deported for past membership in the Communist Party should lose his social security benefits. Nestor had made social security payments from 1936 to 1955. He claimed he had a right to his old age pension and to survivor payments for his wife who remained in this country. Judge Tamm held this punitive amendment by Congress unconstitutional and ruled in favor of Nestor.

When I was in East Germany and Poland last spring, and discussed questions of civil liberties with Communists, I told this story, indeed I boasted of it. I told those with whom I discussed these problems, "When you Communists have legal traditions so strong that a Judge who used to be a secret police agent can rule in favor of a proven and exiled anti-Communist, you'll have something to be proud of, too. Your socialist legality will then be a reality."

I now find unhappily that I spoke too soon. Last Monday, the Supreme Court, 5-to-4, speaking through Mr. Justice Harlan, reversed Judge Tamm. The majority held, contrary to what was said in Congress when the Social Security Act was first written, that its benefits are "gratuities" in which a man has no accrued rights despite his accrued payments. The majority also held that to bar deported Communists from these benefits was neither "punitive" (and therefore subject to the safeguards of the criminal law) nor so irrational as to be unconstitutional. Warren, Black, Douglas and Brennan dissented. The decision opens the door to writing other forms of political discrimination into the social security laws. Maybe we're not as far ahead of the Soviet bloc in legal fairness as I thought. It's hard to be an anti-Communist there. It's hard to be a Communist here, not quite as hard, but hard enough to shame our pretensions.

Fear of Freedom

"A basic constitutional infirmity of this Act, in my judgment, is that it is a part of a pattern of laws all of which violate the First Amendment out of fear that this country is in grave danger if it lets a handful of Communist fanatics or any other extremist group make their arguments and discuss their ideas. This fear, I think, is baseless. It reflects a lack of faith in the sturdy patriotism of our people and does not give the world a true picture of our abiding strength."

—Mr. Justice Black dissenting in the Nestor case.

And Now What About the Civil Rights of White Supremacists?

Try this little exercise. It will help you understand yourself and the nature of the law. Ask yourself, "Do I believe that witnesses before a Congressional investigation should have the right to confront and cross-examine their accusers?" Now ask yourself, "Do I believe that white supremacist election law officials in the South should have the right to confront and cross-examine Negro complainants who accuse them of violating the election laws?" That's the question the Court had to answer last week in two Louisiana suits to enjoin the Civil Rights Commission from holding hearings because it refused to let accused election registrars and others confront and cross-examine their Negro accusers. The Court split 7-to-2. Chief Justice Warren and the majority upheld the Commission. Justice Douglas, with Black, dissented.

The Court handed down four separate opinions. Beside the Warren decision and the Douglas-Black dissent there was a long concurring opinion by Mr. Justice Frankfurter and a tart one paragraph concurrence by Justices Harlan and Clark, simply citing two 5-to-4 precedents of recent years in which the Court held similarily but Warren and Brennan dissented.. We recommend a reading of all four opinions, for the sheer intellectual pleasure of it.

In the law, as in other forms of statecraft, how one feels about the ends will often determine one's attitude toward the means. To allow election officials in the South to confront and cross-examine their accusers is to invite the silencing of the Negroes. On the other hand, to give sweeping powers to one investigating arm of Congress like the Civil Rights Commission makes it harder to deny similar powers to others like the House Un-American Activities Committee and the Senate Internal Security Committee.

The majority which upheld the Barenblatt and Uphaus decisions, had little difficulty in supporting the Civil Rights Commission. Black and Douglas, on the other hand, are trying to be as consistent on their side. They say the Commission can take all the testimony it likes but when it "summons a person, accused under affidavit of having violated the federal election law" it cannot withhold the rights of confrontation and cross-examination.

Warren and Brennan joined the majority, however, on the proposition that investigations—so long as they are engaged in finding facts for legislation rather than in "trying" individuals are not bound by the narrow rules of a law court. This has been true historically. It's not an easy question.

A three judge panel (picked by lot) of Washington, Bastian and Burger on the Court of Appeals for the District of Columbia has upheld six First Amendment contempt convictions (Gojack, Deutch, Liveright, Price, Shelton and Russell) and reversed two (Mary Knowles and Goldie E. Watson) but for want of space we must leave them for discussion next week.

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Dodd as the New McCarthy of the 1960's A Little Slow on the Uptake

(*Continued from Page One*)

nounced *Curé*, the committee called a brief recess as if to give the press time to rush this revelation for the early afternoon editions. Almost nostalgically one half-expected when the hearing resumed to hear again that gravelly voice saying, "I hold in my hand. . . ."

A Drowsy Inquisitor

In recent months, Senator Dodd, who spent much of his earlier life as an FBI agent, seemed bent on becoming a new McCarthy. Over State Department objections he made the Internal Security Subcommittee a forum for some of the worst participants in the Batista regime to attack Fidel Castro as a Red. His own attacks on Cyrus Eaton, like his recent speech on the Sane Nuclear Policy Committee, strengthened the impression. But watching him at the Pauling hearing, one wondered whether he could make the grade. This gray-haired man with the scholarly brow enfeebled by a recent illness seemed a tool in the hands of his own staff, embarrassingly confused at crucial points in his own proceeding. As the climax approached, Senator Dodd asked Dr. Pauling whether it wouldn't be dangerous if Congress did not know the names of those who signed petitions to it. Dr. Pauling said he agreed heartily but added that the names of the 11,021 signers of his famous petition to the United Nations in 1958 advocating a cessation of testing had all been made public. Senator Dodd then turned to his counsel, Mr. Sourwine and asked audibly, "Then what are we talking about?" There followed a prolonged whispered colloquy which presumably made clear to the Senator that what the subcommittee wanted from Dr. Pauling were the names of those who had sent in petitions to him and the number of signatures each of these persons had gathered.

Mr. Sourwine earlier in the session had already said, "I have here what purports to be a complete list of signers and the covering letter of Dr. Linus Pauling." Dr. Pauling had already admitted that both were what they purported to be. What Mr. Sourwine wanted of Dr. Pauling were two other lists, one of those to whom he had sent copies of his petitions in the campaign, and the other of those who had responded by circulating the petitions and sending them back with signatures. Mr. Sourwine also wanted the number of signatures with each response, no doubt to single out for some distinction those who had gathered the most. Dr. Pauling agreed to give the names of those to whom he had written since this was his responsibility but refused after another recess and a conference with his lawyer, A. L. Wirin, to furnish the second list. Dr. Pauling said his conscience would not allow him to protect himself "by sacrificing the idealistic young people" who had helped him. He said afterwards "I feel that if these names were to be given to this subcommittee, the hope for peace would be dealt a severe blow." Senator Dodd and the subcommittee could have held him in contempt for the refusal but instead he was ordered to return August 9 with the names. On August 9 the Internal Security committee can again test the political wind and decide whether it wants to try a head-on conflict with so famous a scientist on so slender an issue. Congress will then be out of session but there is a law which provides that the Vice President as presiding officer of the Senate must certify a contempt citation to the U.S. Attorney if the Senate is out of session. Whether the Republicans on the committee will want to hand this hot potato to Nixon just as the campaign gets started remains to be seen. If being for cessation of nuclear testing is somehow suspect, the most distinguished figure on the list of the tainted is not Dr. Pauling but Dwight Eisenhower.

Jane Addams, Too, Called A Red

"This is just the kind of authoritarian act anyone may expect who tries to fight for an end to nuclear testing and a continuance of disarmament negotiations. Any woman who is intimidated by the possibility of such McCarthy like attacks should remember that Jane Addams met the same fate with serenity. Because of her call for international peace negotiations, she was called a Red, she was hounded by secret service agents, and innocent meetings at Hull House—even to hear music—were under police surveillance for subversive activities."

—Mrs. Agnes E. Meyer on the Pauling subpoena in a speech to the Women's International League for Peace and Freedom, June 20.

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